THE HON'BLE SRI JUSTICE B.PRAKASH RAO

and

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.5527 of 2006

Between:

The Regional Joint Director of
Intermediate Education,
Rajahmundry and others.

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PETITIONERS

and

P.Muneendra.

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RESPONDENT

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ORDER: *(Per B.PRAKASH RAO, J)*

Heard the learned Government Pleader for Services-I and Sri P.S.Bheemeswara Rao, learned counsel appearing on behalf of the contesting respondent-applicant and at their request, the main writ petition itself is taken up for disposal.

The petitioner herein seeks to assail the interim order dated 04-10-2005 passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No.5726 of 2005, pending application filed by the respondent herein under Section 19 of the Administrative Tribunals Act, 1985.

In the said application, the respondent-applicant sought for

declaration that the action of the petitioners herein in not transferring the respondent herein to Zone VI in the clear vacant place of the Government Junior College, Sadasivpet, Medak District or at any place in Hyderabad or in the same Zone VI, as illegal.

Pending the said application, the Tribunal, while issuing notice to the petitioners herein, directed the petitioners herein to transfer the respondent herein to Zone VI in clear vacant place of Government Junior College, Sadasivpet, Medak District or in Hyderabad, where her three dependant sons are studying, as per order. dated 04-10-2005. Aggrieved by the same, the present writ petition is filed, *inter alia,* contending that the question of transferring the respondent to Zone VI in clear vacant place of Government Junior College, Sadasivpet, Medak District or in Hyderabad, does not arise, that the O.A. filed by the respondent herein is still pending and all these matters have to be considered in the said application.

The only contention raised on behalf of the respondent-applicant is that the order passed by the Tribunal is sustainable and there is no need to interfere with the same.

Having heard the counsel on either side and on perusal of the record, it is seen that since the interim relief and the main relief virtually runs on the same lines, the Tribunal could not have been granted the

interim relief and, therefore, it is liable to be set aside. The writ petition is, accordingly, allowed and the order dated 04-10-2005, passed in O.A.No.5726 of 2005, is set aside. It shall be open for the respondent-applicant to canvass before the Tribunal and the Tribunal, uninfluenced by any of the observations made in this order, shall dispose of the O.A., as expeditiously as possible, not later than two months from the date of receipt of a copy of this order. There shall be no order as to costs.

B.PRAKASH RAO, J

RAMESH RANGANATHAN, J

Dated 16-10-2006
Prv